

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

In re:)	Bankr. Case No. 18-40287
)	Chapter 12
MARK ALLEN MEIER,)	
fdba Meier Farms,)	DEBTORS' MOTION FOR
fdba Morris Creek Angus,)	AUTHORITY TO SELL
fdba Rosewood Barn,)	PROPERTY OF THE ESTATE
SSN: xxx-xx-2921,)	FREE AND CLEAR OF LIENS
)	
and)	
)	
BARBARA ANN MEIER,)	
aka Barb Meier,)	
SSN: xxx-xx-5628,)	
)	
Debtors.)	
)	

COME NOW the Debtors, Mark Allen Meier and Barbara Ann Meier, by and through their attorneys of record, and hereby move the Court for an Order permitting them to sell property of the estate free and clear of liens, and in support thereof respectfully state:

1. Debtors filed a petition seeking relief under Chapter 12 of the Bankruptcy Code on June 13, 2018. Debtors confirmed their Plan through a Plan as Confirmed with the Court on April 19, 2019, and Debtors have been operating under the confirmed Plan as modified.

2. This Motion is brought pursuant to 11 U.S.C. § 363(b), Federal Bankruptcy Rule 6004(a) and (c), and Local Rule 6004-1(b). Debtors move for authority to sell property of the estate out of the ordinary course of business free and clear of liens.

3. Debtors propose to sell all of their interest in certain pieces of real estate legally described as follows:

Lot 1 of BAM Addition in the Southwest Quarter (SW1/4) of Section 21, Township 104 North, Range 62 West of the 5th P.M., Davison County, South Dakota, according to the plat filed in Book 36 of Plats, Page 52 on October 27, 2020, together with an Affidavit of Correction filed November 19, 2020 in Book 80, Page 445, in the office of the Register of Deeds, Davison County, South Dakota.

4. Debtors propose to sell the real estate to Patrick Meier and Cassie Meier ("Purchasers"), whose address is 24882 397th Avenue, Mount Vernon, South Dakota 57363.

5. Debtors propose to sell the real estate for a total of \$300,000.00. The sale proceeds are estimated to be distributed as follows:

Est. Real Estate Taxes
(2020 taxes payable in 2021 and
pro-rata to date of closing);
Est. Closing fees, title insurance,
& Costs;
Payment to Specialized Loan
Servicing;
Net proceeds to be distributed
to secured creditors as
stated below.

The above-stated numbers may adjust slightly based on the actual costs at closing, the actual payoffs due when the closing takes place, the actual pro-rated taxes due at closing, and the additional per diem interest added to get to closing.

6. The date of closing will occur within 30 days of a Court order, or shortly thereafter, unless extended in writing by Debtors and Purchasers.

7. Specialized Loan Servicing holds a secured first mortgage position on said real estate and will be paid in full in the approximate amount of \$225,268.19, plus per diem interest, through the closing of this transaction.

8. Bankwest, Inc. holds a secured second mortgage position on said real estate and, after payment of closing costs and to secured creditor Specialized Loan Servicing, will be paid the remaining net proceeds through the closing of this transaction as disclosed above to be applied to the debt Debtors owe to Bankwest, Inc. Any amount remaining due and owing to Bankwest, Inc., will be paid through Debtors' Chapter 12 Modified plan.

9. Davison County Treasurer holds a secured position on said real estate for payment of real estate taxes owed up to the date of closing and will be paid in full the entire amount of taxes due on this real estate through the closing of this transaction.

10. Debtors seek the authority to sell said real estate as described herein.

11. Debtors request that the Court's Order authorizing the sale of estate property not be stayed under Federal Bankruptcy Rule 6004(h).

WHEREFORE, Debtors request that the Court grant them the authority to sell this certain real estate described above free and clear of liens, based upon the terms and conditions set forth in the Motion, and for such other and further relief as appropriate in the premises.

Dated at Sioux Falls, South Dakota, this 14th day of January, 2022.

GERRY & KULM ASK, PROF. LLC:

By: /s/ Clair R. Gerry

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